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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,640	08/05/2003	Kazutoshi Nakano	116793	5472

25944 7590 03/30/2004

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EXAMINER


ELKASSABGI, HEBE

ART UNIT	PAPER NUMBER
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2834

DATE MAILED: 03/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/633,640	Applicant(s) NAKANO, KAZUTOSHI	
	Examiner Heba Elkassabgi	Art Unit 2834	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2004.
 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 1, 2 and 4-6 is/are rejected.
 7) ☒ Claim(s) 3 is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☒ The drawing(s) filed on 05 August 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the claim limitation of claim #6 of the "the ribs extend in the same direction as the radial line and the spokes are tilted with respect to the radial line", must be shown or the features canceled from the claim. No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claim #6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claim limitation of "some number of ribs being positioned between the spokes", requires full, clear, concise, and exact terms as to enable one skilled in the art to which it pertains needs to be clearly disclosed. No new matter should be entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1, 2,4,5 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Oohashi et al. (U.S. Patent 6417585).

A. Oohashi et al. Illustrates in Figures 1a and 3, a vehicular generator having a housing (front and rear bracket 51,52), formed in a substantially cylindrical shape. A stator (8) that is fixedly disposed in the housing (front and rear bracket 51,52). A rotor (7) rotatably supported inside the stator (8), and that the rotor (7) includes a cooling fan (5) fixed to an axial end surface of the rotor (7). Furthermore, figure 1a illustrates a plurality of spokes (inlet ports ribs 63) that are formed on the axial end wall (front bracket 51) of the housing. The air inlet ports (intake ports 64) facing the cooling fan (5) are on both sides the spokes (inlet port ribs 63), so that cooling air into the housing through the inlet ports (intake ports 64) in the rotation of the cooling fan (5) that is fixed to the rotor (7). The spokes (inlet port ribs 63) are tilted in a direction opposite of the rotational direction of the rotor (7). Only some of the plurality of spokes (inlet port ribs 63) are tilted while other spokes (intake port ribs 63) are not tilted. Furthermore, a plurality of ribs (63) are formed on the axial end wall of the housing, with some number of ribs (AA) being positioned between the spokes (inlet ports 63), in which the ribs (AA)

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extend in the same direction as the radial line and the spokes (inlet ports 63) are tilted with respect to the radial line.

B. In regards to claims #2, Oohashi et al. discloses the claimed invention except for the spokes being tilted by angle from 10 degrees to 45 degrees. It would have been obvious to one having ordinary skill in the art at the time the invention was made to choose a desirable range, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. In re Aller, 105 USPQ 233.

C. In regards to claim #4, Oohashi et al. discloses the claimed invention except for the tilt angle not to exceed 25 degrees. It would have been obvious to one having ordinary skill in the art at the time the invention was made to choose a desirable degree, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. In re Boesch, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

Allowable Subject Matter

In regards to claim 3 the following is a statement of reasons for the indication of allowable subject matter: Prior art does not disclose that only one side of the spokes, which is positioned, downstream of the rotational direction of the rotor is tilted.

Response to Arguments

Applicant's arguments filed 03/10/2004, have been fully considered but they are not persuasive.

A. In regards to Applicants argument of Oohashi et al., does not disclose an alternator for use in an automotive. This argument is respectfully traversed by the examiner, in which the Oohashi et al. clearly states that the structure in the patent is for a vehicle AC generator. In which an alternator, is an electric generator that produces alternating current. Furthermore, in response to applicant's arguments, the recitation has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

B. In regards to Applicants argument that the intake port ribs 63 of Oohashi et al. does not correspond to the spokes recited in the claims, is respectfully traversed by the examiner. Though the claim are read in light of specification, applicants argument does not include certain features of Applicants invention, the limitations on which the applicant relies on (i.e. four spokes extending from the bearing box, spokes formed to have a sufficient mechanical strength, ribs formed of less mechanical strength, spokes are larger in both the height and the width than the ribs) are not stated in the claims. It is

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the claims that define the claimed invention, and it is claims, not specifications that are anticipated or unpatentable. *Constant v. Advanced Micro-Devices Inc.*, 7 USPQ 2d 1064. Furthermore, the applicants misinterpret the principle that claims are interpreted in light of the specification. Although these elements are found as examples or embodiments in the specification, they were not claimed explicitly. Nor were the words that are used in the claims defined in the specification to require these limitations. Additionally, The courts have stated (see MPEP 2111.02) that "reading a claim in light of the specification, to thereby interpret limitations explicitly recited in the claim, is a quite different thing from reading limitations of the specification into a claim,' to thereby narrow the scope of the claim by implicitly adding disclosed limitations which have no express basis in the claim." The broadest reasonable interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach. In re Cortright, 165 F.3d 1353,1359, 49 USPQ2d 1464, 1468 (Fed. Cir. 1999).

Furthermore, Applicants argument that the spokes as claimed in the claim limitations is not the same as the spokes in *Oohashi et al.*, though the applicants recitation with respect to the manner in which the claimed apparatus is intended to be employed does not differentiate the claimed apparatus from the prior art apparatus that satisfies the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987).


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heba Elkassabgi whose telephone number is (571) 272-

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2023. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on (571) 272-2044. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Heba Y. Elkassabgi



DANGLE
PRIMARY EXAMINER